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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,673	07/08/2003	Jeffrey W. Moe	104874-142119	9826

7590

10/04/2006

Goodwin Procter LLP  
599 Lexington Avenue  
New York, NY 10022

EXAMINER
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DINH, TIEN QUANG

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3644



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**OCT 04 2006**

**GROUP 3600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/615,673

Filing Date: July 08, 2003

Appellant(s): MOE ET AL.

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Mr. Louis S. Sorell  
For Appellant

**EXAMINER'S ANSWER**

Art Unit: 3644

The reply brief filed 7/05/06 is hereby noted.

The examiner would like to firstly mention that the attached Examiner's Answer is to correct minor errors on part (8) that now contains the arts used to reject the claims.

As for applicant's arguments on why one skilled in the art would be motivated to use a "ice protection" system in a "noise reduction" system, the motivation is quite clear. One skilled in the art would want to improve the performance/safety of the aircraft. By clearly using an ice protection system in Hom or Mnich's system, this will prevent the potentially disastrous crash of the aircraft would motivate one skilled in the art to use the ice protection system. The applicant seems to believe that the invention should be looked at as a vacuum in which one and only one system can be used. This is not correct since one skilled in the art would want to use as many systems if desired to protect the aircraft. This would be prime motivation to use an ice protection system in Hom or Mnich's system. The examiner respectfully disagrees with the applicant's arguments that somehow Dean et al's invention is directly imported onto the Hom or Mnich's references. The Dean et al's reference is used to show that ice protection systems are well known in this day and age and that one skilled in the art could indeed use one on an aircraft to prevent dangerous ice conditions.

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This is to correct the minor error in the previous Examiner's answer.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

4291079	HOM	9-1981
3800121	DEAN ET AL	3-1974
5653836	MNICH ET AL	8-1997
4514619	KUGELMAN	4-1985
4036457	VOLKNER ET AL	7-1977

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hom or Mnich et al in view of Dean et al.

Claimd 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hom or Mnich et al's system as modified by Dean et al as applied to claim 1 above, and further in view of Kugelman or Volkner et al.

**(10) Response to Argument**

The applicant's arguments center around the combination of Hom or Mnich et al in view of Dean et al and how the combination is invalid or there is no establishment of prima facie case of obviousness. The applicant clearly believed that since Dean et al teaches a "non-perforated layer", the ice protection system layer of Dean et al is not "acoustically permeable." The examiner respectfully disagrees. Acoustic is defined as "Of or relating to sound." Permeable is defined as "That can be permeated or penetrated". Taken together, "acoustically permeable" is reasonable interpreted as sounds being able to penetrate a material. The applicant's arguments centers around "perforations" but clearly there is no claim as to the ice protection system having perforations. The claims call for the ice protection system being acoustically permeable. This can be interpreted as sounds being able to penetrate it. Looking from column 2 of Dean et al, the ice protection system of Dean et al has a thickness of .055 inches or less. Clearly this is a very thin ice protection system. Anyone skilled in the art would recognize that in the aircraft field, 100 decibels in sound is very common. To argue that the ice protection system of Dean et al is somehow not acoustically permeable to "hold" back sounds around this decibel level is a bit unbelievable. As a matter of fact, if the sounds are loud enough and have certain frequencies, sounds will have an easy time traveling through Dean et al's material. The examiner would also like to point out that in common life, a wall having no perforation do not prevent sounds that are loud enough from coming through the wall and into the room. In order to prove his point, the Examiner would like to submit two articles that he has found to show that sounds through walls without perforations are commonly well known. See Bruno Putzeys and Jeff Scott.

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In conclusion, the Examiner believes that Deal et al teaches ice protection system that is acoustically permeable. The addition of ice protection systems to Hom or Minich et al's system as taught by Dean et al, would allow the ability to prevent dangerous ice formations.

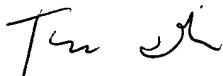
**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

T. Dinh



Conferees:

PP PP

JWE JWE